

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD AUGUST 16, 2004 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

**P R E S E N T**      Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

**A B S E N T**          None.

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**DISCUSSION OF A PROPOSED AMENDMENT THE 2004 BYLAWS AND RULES OF PROCEDURE FOR THE BOARD OF SUPERVISORS TO CHANGE THE TIME OF WORK SESSIONS AND THE REGULAR MEETING DATE**

The Board of Supervisors discussed a proposed amendment of the 2004 Bylaws and Rules of Procedure to change the time of work sessions and the regular meeting date.

**FISCAL YEAR 2005 PROGRAM PLAN FOR RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD**

Brian Duncan, Executive Director for Rappahannock-Rapidan Community Services Board, presented the Fiscal Year 2005 Program Plan for the Rappahannock Rapidan Community Services Board.

**A WORK SESSION TO EXAMINE THE VARIOUS FORMS OF COUNTY GOVERNMENT IN VIRGINIA**

Catherine Heritage, Assistant County Administrator, discussed the various forms of County Government in Virginia.

**CLOSED SESSION TO DISCUSS POTENTIAL ACQUISITION OF REAL PROPERTY**

Mr. Atherton moved to go into a closed meeting, pursuant to §2.2-3712 of the Code of Virginia, for discussion or consideration of condition, acquisition or use of real property for public purposes and for consultation with legal counsel pertaining to same. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

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|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

Upon reconvening from the closed meeting, Mr. Atherton moved to adopt the following certification. Mr. Graham seconded.

## CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 16<sup>th</sup> day of August 2004, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 p.m. at the Warren Green Building meeting room.

### **ADOPTION OF THE AGENDA**

Mr. Graham moved to adopt the agenda with the following changes. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

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|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

- Add Consent agenda item "r", A Resolution to Request that the Virginia Department of Transportation Replace the Current Tapps Ford Road Bridge (Route 645).
- Add Consent agenda item "s", A Resolution Authorizing the County Administrator and the County Attorney to Execute All Documents Necessary to Acquire an 8.2 Acre Parcel of Land Owned by Janet N. Shannon.
- Accept substitute resolution for Consent agenda item "e", A Resolution to Schedule an Adjourned Meeting of the Fauquier County Board of Supervisors.
- Accept substitute resolution for Regular agenda item #4, A Resolution to Approve Special Exception SPEX04-MA-020, A Category 20 Special Exception to Allow Construction of an Above-Ground Water Storage Silo.
- Amend Regular agenda item #9 by removing Mr. Robison as sponsor, and by adding Mr. Downey as substitute sponsor, A Resolution Directing the Parks and Recreation Board and Fauquier County Staff to Take All Actions Necessary to Assist in the Implementation of the Fauquier County Fair Board's Request to Use Approximately

Five (5) Acres of Land Located at the Central Sports Field Complex for Fair Purposes.

- Remove postponed Public Hearing item #7, consideration of Special Exception SPEX04-CT-024, Fauquier County Board of Supervisors, Owner, and Fauquier County Parks and Recreation Department, Applicant – Central Area Park.

### **CITIZENS' TIME**

- Jim Van Luven, Lee District, expressed concern about the number of new units being built in his neighborhood and the subsequent impact to the infrastructure within his community, and asked the Board to consider revisiting a study of the Comprehensive Plan.
- Larry Kovalik stated that downtown Warrenton lacked bicycle racks and public facilities for bicyclists.
- Dr. Steiner, member of the Fauquier County Fair Board, spoke in favor of continued use of an approximately five-acre parcel adjacent to the for Fairground event parking and requested the property remain undeveloped by the Fauquier Youth Sports Council.
- Chris Butler, Cedar Run District, spoke in favor of continued use of property adjacent to the Fairground for event parking.
- Dave Newman, Lee District, spoke in favor of continued use of property adjacent to the Fairground for event parking.

### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Atherton presented to Mr. Virginius Bowen A Proclamation to Honor John Kenneth Gott.

### **CONSENT AGENDA**

Mr. Graham moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

### **Approval of the Minutes for the June 21, 2004 Regular Meeting and July 19, 2004 Regular Meeting of the Fauquier County Board of Supervisors**

**A Resolution to Increase the Compensation for Members of the Board of Zoning Appeals and the Social Services Board**

RESOLUTION

A RESOLUTION TO INCREASE THE COMPENSATION FOR MEMBERS OF THE BOARD OF ZONING APPEALS AND THE SOCIAL SERVICES BOARD

WHEREAS, Article I, Section 2-2 of the Fauquier County Code provides that all boards and commissions for whom compensation is authorized shall be compensated as provided by the Board of Supervisors; and

WHEREAS, Section 15.2-2308 (D) of the Code of Virginia provides that members of local Boards of Zoning Appeals may receive such compensation as may be authorized by the respective governing bodies; and

WHEREAS, Section 63.2-310 of the Code of Virginia provides that the governing body of each city or county may, out of its general fund, pay to each member of a local Social Services Board an amount to be fixed by the governing body in compensation for services; and

WHEREAS, members of the Fauquier County Board of Zoning Appeals are currently compensated \$2,400 per year, and members of the Fauquier County Social Services Board are currently compensated \$1,200 per year; and

WHEREAS, in consideration of the nature of the duties and contributions of the members of the Board of Zoning Appeals and the Social Services Board, the Fauquier County Board of Supervisors wishes to increase compensation to the members of the Board of Zoning Appeals to \$3,000 per year, and compensation to the members of the Social Services Board to \$1,800 per year; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That compensation to the members of the Board of Zoning Appeals and the Social Services Board shall hereby be increased as set forth in the paragraph above.

**A Resolution to the Virginia Board of Historic Resources and the National Park Service Supporting the Inclusion of Atoka on the Virginia Landmarks and National Registers**

RESOLUTION

A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND THE NATIONAL PARK SERVICE SUPPORTING THE INCLUSION OF ATOKA ON THE VIRGINIA LANDMARKS AND NATIONAL REGISTERS

WHEREAS, Atoka is a small rural community developed at the intersection of Atoka Road and the Ashby Gap Turnpike; and

WHEREAS, it is one of Fauquier County's best preserved rural crossroads; and

WHEREAS, Atoka Historic District boundaries include approximately six acres, and are drawn to incorporate seven historic properties including four dwellings and their various outbuildings, two commercial buildings, and a stone springhouse; and

WHEREAS, the 2½ story Caleb Rector House (Mosby Heritage Association Headquarters) sits above the grade of the local road and is one of the oldest and most prominent within the community; and

WHEREAS, here is where John S. Mosby and his Rangers were officially organized on June 10, 1863; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of August 2004, That the Board hereby supports and encourages the Virginia Board of Historic Resources to include the Atoka Historic District, located in the Scott Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Virginia Board of Historic Resources be, and is hereby, respectfully requested to petition the National Park Service, due to the established and unique history and National significance of Atoka, to enroll this community in the National Register of Historic Places.

**A Resolution to the Virginia Board of Historic Resources and the National Park Service Supporting the Inclusion of Rectortown on the Virginia Landmarks and National Registers**

RESOLUTION

A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND THE NATIONAL PARK SERVICE SUPPORTING THE INCLUSION OF RECTORTOWN ON THE VIRGINIA LANDMARKS AND NATIONAL REGISTERS

WHEREAS, Rectortown was established by an act of the Virginia Assembly in 1772 on land owned by John Rector; and

WHEREAS, 54 properties in the Rectortown Historic District illustrate the community's development over a period of more than two hundred years; and

WHEREAS, the village still retains visual cohesiveness and an identity that is centered on the churches in the community; and

WHEREAS, the building and associated resources that make up the Rectortown Historic District represent the town from the late 18<sup>th</sup> century to the mid-20<sup>th</sup> century and maintains a remarkable degree of architectural integrity surrounded by unspoiled, open farmland; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of August 2004, That the Board hereby supports and encourages the Virginia Board of Historic Resources to include the Rectortown Historic District, located in the Scott Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Virginia Board of Historic Resources be, and is hereby, respectfully requested to petition the National Park Service, due to the established and unique history and National significance of Rectortown, to enroll this community in the National Register of Historic Places.

**A Resolution to Schedule an Adjourned Meeting of the Fauquier County Board of Supervisors**

RESOLUTION

A RESOLUTION TO SCHEDULE AN ADJOURNED MEETING OF THE FAUQUIER  
COUNTY BOARD OF SUPERVISORS

WHEREAS, the Fauquier County Board of Supervisors wishes to hold an adjourned meeting on August 24, 2004 to discuss effective Town/County working relationships; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the adjourned meeting will be held on Tuesday, August 24, 2004 at 7:00 p.m. when the Board will meet with the Warrenton Town Council at Lord Fairfax Community College, Warrenton, Virginia.

**Consider Galkin's Estates Subdivision: Preliminary Plat PPLT04-CR-014, Cedar Run District**

No action was taken.

**Consider Foxhaven: Preliminary Plat PPLT04-LE-006, Lee District**

No action was taken.

**Consider Ifert Subdivision: Preliminary Plat PPLT04-CR-010, Cedar Run District**

No action was taken.

**Consider Partisan's Reach: Preliminary Plat PPLT04-MA-001, Marshall District**

No action was taken.

**Consider Southall Meadows Subdivision: Preliminary Plat PPLT04-LE-011, Lee District**

No action was taken.

**A Resolution to Approve Acceptance of a New Road Alignment for the Reconstructed Portions of Union Church Road, Route 632 in the Lee Magisterial District**

RESOLUTION

A RESOLUTION TO APPROVE ACCEPTANCE OF A NEW ROAD ALIGNMENT FOR  
RECONSTRUCTED PORTIONS OF UNION CHURCH ROAD, ROUTE 632  
LEE MAGISTERIAL DISTRICT

WHEREAS, in approximately 1988, the Virginia Department of Transportation (VDOT) reconstructed portions of Union Church Road, Route 632, on a new alignment and the right-of-way was obtained with a deed dated May 7, 2004, and recorded in Deed Book 1098 on page 1894 on May 14, 2004; and

WHEREAS, the VDOT Project Sketch dated June 25, 2004, defines adjustments required in the Secondary System of State Highways as a result of that construction; and

WHEREAS, the new road serves the same citizens as those portions of the old road identified to be abandoned and those segments no longer serve a public need; and

WHEREAS, a portion of the old alignment of Route 632 shown on the sketch as 0.10 miles of Fairhaven Lane is to be renumbered to Route 879; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Board does hereby request the Virginia Department of Transportation to add to the Secondary System of State Highways 0.15 miles of relocated Route 632, as shown on the aforesaid sketch, pursuant to Section 33.1-229 of the Code of Virginia; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors abandons 0.08 miles of the old alignment of Route 632 as part of the Secondary System of State Highways, being those portions of road identified by the sketch to be abandoned, pursuant to Section 33.1-155, Code of Virginia; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**A Resolution to Approve Acceptance of a New Road Alignment for Vint Hill and Kennedy Road in the Cedar Run Magisterial District**

RESOLUTION

A RESOLUTION TO APPROVE ACCEPTANCE OF A NEW ROAD ALIGNMENT FOR  
VINT HILL ROAD AND KENNEDY ROAD, CEDAR RUN MAGISTERIAL DISTRICT

WHEREAS, the Virginia Department of Transportation (VDOT) has reconstructed portions of Vint Hill Road, Route 215, and Kennedy Road, Route 652, within a new alignment under Project 0215-030-102, C501; and

WHEREAS, the Virginia Department of Transportation has provided the Fauquier County Board of Supervisors with a VDOT Project Sketch, dated August 28, 2003, depicting the required changes in the Primary and Secondary System of State Highways due to relocation and construction on Routes 215 and 652, Project 0215-030-102, C501; and

WHEREAS, those portions of the old roads identified to be discontinued are deemed by the Virginia Department of Transportation to no longer provide a public convenience warranting

public expense and are no longer necessary for the uses of the State Highway System; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Board concurs with the Virginia Department of Transportation's intent to discontinue from the Primary System of State Highways the portion of Route 215, identified as Sections 1 and 2 on the aforementioned sketch, pursuant to Section 33.1-144 of the Code of Virginia; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors concurs with the Commonwealth Transportation Board's decision for discontinuance of Section 3, as shown on the VDOT Project Sketch, as part of the Secondary System of State Highways, pursuant to Section 33.1-150 of the Code of Virginia; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors does hereby request the Virginia Department of Transportation abandon Structure 1033 over South Run; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors does hereby request the Virginia Department of Transportation add to the Secondary System of State Highways, Section 4 identified by the VDOT Project Sketch, pursuant to Section 33.1-229 of the Code of Virginia; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**A Resolution to Approve Acceptance of the Remaining 0.11 Mile of Heddings Road (State Route 794) to the Secondary System of State Highways Cedar Run Magisterial District**

RESOLUTION

A RESOLUTION TO APPROVE ACCEPTANCE OF THE REMAINING 0.11 MILE OF  
HEDDINGS ROAD (STATE ROUTE 794) INTO THE SECONDARY SYSTEM  
OF STATE HIGHWAYS, CEDAR RUN MAGISTERIAL DISTRICT

WHEREAS, in 1947 the Virginia Department of Transportation (VDOT) accepted 1.0 mile of Heddings Road (State Route 794) for maintenance in accordance with a resolution of the Fauquier County Board of Supervisors; and

WHEREAS, a discrepancy exists between the 1.0 mile originally accepted in 1947 and the 1.11 miles actually being maintained; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, the VDOT Warrenton Residency office has requested that the County acknowledge the Residency's representation that the additional 0.11 mile of Heddings Road has been continuously maintained for a period in excess of 20 years; and

WHEREAS, the VDOT Warrenton Residency office has asserted that the continuous maintenance of the additional 0.11 miles of Heddings Road constitutes conclusive evidence that

this portion of the right-of-way is a public road, pursuant to Section 33.1-184 of the Code of Virginia; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described street of approximately 0.11 miles in the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia; and, be it

RESOLVED FURTHER, That the street has been established as a public road as provided in Section 33.1-184, Code of Virginia; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**A Resolution to Request that the Virginia Department of Transportation Install "Watch for Children" Signs in the Lakewood Subdivision**

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT  
OF TRANSPORTATION INSTALL "WATCH FOR CHILDREN" SIGNS IN THE  
LAKEWOOD SUBDIVISION

WHEREAS, the Fauquier County Transportation Committee received a request from Denise Williams, a resident of Lakewood Drive (Route 1324), for "Watch for Children" signage in the Lakewood subdivision; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving each request for "Watch for Children" signage, so VDOT may accommodate these requests; and

WHEREAS, on July 28, 2004, the Fauquier County Transportation Committee recommended approval of the requested "Watch for Children" signage; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Board of Supervisors does hereby authorize the County's request for installation and maintenance by VDOT of "Watch for Children" signage in the Lakewood subdivision.

**A Resolution to Request that the Virginia Department of Transportation Install "Watch for Children" Signs in the English Meadows Subdivision**

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT  
OF TRANSPORTATION INSTALL "WATCH FOR CHILDREN" SIGNS IN THE  
ENGLISH MEADOWS SUBDIVISION

WHEREAS, the Fauquier County Transportation Committee received a request from Gisella Fackenthall, a resident on Piccadilly Drive (Route 1611), for "Watch for Children" signage in the English Meadows subdivision; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving each request for "Watch for Children" signage, so VDOT may accommodate these requests; and

WHEREAS, on July 28, 2004, the Fauquier County Transportation Committee recommended approval of the requested "Watch for Children" signage; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Board of Supervisors does hereby authorize the County's request for installation and maintenance by VDOT of "Watch for Children" signage in the English Meadows subdivision.

**A Resolution to Request that the Virginia Department of Transportation Install Signs Advising of the Maximum Penalty for Exceeding the Posted Maximum Speed Limit in the Village of Upperville**

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION INSTALL SIGNS ADVISING OF THE MAXIMUM PENALTY FOR  
EXCEEDING THE POSTED MAXIMUM SPEED LIMIT IN THE VILLAGE OF  
UPPERVILLE

WHEREAS, in 1996, the General Assembly of Virginia determined that the penalty for exceeding the posted maximum speed limit should be increased in certain residential districts, when indicated by appropriately placed signs displaying the posted speed limit and the penalty for violations; and

WHEREAS, in 1999, the General Assembly of Virginia determined that the applicability for installation of such signage should include minor arterial roads and streets on the primary system; and

WHEREAS, the Village of Upperville has experienced a history of traffic exceeding the posted speed limit of twenty-five (25 mph) miles per hour along John S. Mosby Highway (Route 50); and

WHEREAS, John S. Mosby Highway (Route 50) is defined by Fauquier County as a rural principal arterial and meets the Virginia Department of Transportation's policy definition of a street in the primary system; and

WHEREAS, the Village of Upperville is a "residence district" as defined by Section 46.2-100 of the Code of Virginia; and

WHEREAS, Section 46.2-878.2 of the Code of Virginia makes provision for the increased penalty for exceeding the posted maximum speed limit in residence districts; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving a request for signage indicating the maximum penalty for exceeding the posted maximum speed limit; and

WHEREAS, on July 28, 2004, the Fauquier County Transportation Committee approved a motion recommending approval of the requested signs advising of the maximum penalty for exceeding the posted speed limit; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Board of Supervisors does hereby authorize the County's request pursuant to Section 46.2-878.2 of the Code of Virginia for the installation and maintenance by VDOT of signs advising of the maximum penalty for exceeding the posted maximum speed limit along John S. Mosby Highway (Route 50) in the Village of Upperville.

**A Resolution to Request that the Virginia Department of Transportation Install Signs Advising of the Maximum Penalty for Exceeding the Posted Maximum Speed Limit in the Village of Hume**

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION INSTALL SIGNS ADVISING OF THE MAXIMUM PENALTY FOR  
EXCEEDING THE POSTED MAXIMUM SPEED LIMIT IN THE VILLAGE OF HUME

WHEREAS, in 1996, the General Assembly of Virginia determined that the penalty for exceeding the posted maximum speed limit should be increased in certain residential districts, when indicated by appropriately placed signs displaying the posted speed limit and the penalty for violations; and

WHEREAS, in 1999, the General Assembly of Virginia determined that the applicability for installation of such signage should include minor arterial roads and streets on the primary system; and

WHEREAS, the Village of Hume has experienced a history of traffic exceeding the posted speed limits of thirty-five (35) and twenty-five (25 mph) miles per hour along Leeds Manor Road (Route 688) and Hume Road (Route 635); and

WHEREAS, Leeds Manor Road (Route 688) and Hume Road (Route 635) are defined by Fauquier County as rural collectors and meet the Virginia Department of Transportation's policy definition of minor arterial street; and

WHEREAS, the Village of Hume is a "residence district" as defined by Section 46.2-100 of the Code of Virginia; and

WHEREAS, Section 46.2-878.2 of the Code of Virginia makes provision for the increased penalty for exceeding the posted maximum speed limit in residence districts; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving a request for signage indicating the maximum penalty for exceeding the posted maximum speed limit; and

WHEREAS, on July 28, 2004, the Fauquier County Transportation Committee approved a motion recommending approval of the requested signs advising of the maximum penalty for exceeding the posted speed limit; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Board of Supervisors does hereby authorize the County's request pursuant to Section 46.2-878.2 of the Code of Virginia for the installation and maintenance by VDOT of signs advising of the maximum penalty for exceeding the posted maximum speed limit along Leeds Manor Road (Route 688) and Hume Road (Route 635) in the Village of Hume.

**A Resolution to Request that the Virginia Department of Transportation Replace the Current Tapps Ford Road Bridge (Route 645)**

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION REPLACE THE CURRENT TAPPS FORD ROAD BRIDGE  
(ROUTE 645)

WHEREAS, the existing Tapps Ford Road Bridge (Route 645) between Fauquier County and Rappahannock County has been closed due to structural damage and decay; and

WHEREAS, on July 14, 2004, the Virginia Department of Transportation (VDOT) conducted an informational meeting where design options were presented for consideration by concerned citizens; and

WHEREAS, representatives from both Fauquier and Rappahannock Counties were in attendance at the informational meeting where the majority of those present expressed support for replacing the current bridge with a single-lane steel truss bridge of modern manufacture, to be used with current abutments and approaches; and

WHEREAS, on August 2, 2004, the Rappahannock County Board of Supervisors expressed its strongest possible support for the option deemed best by the majority of the attendees, replacement of the current bridge with a single-lane steel truss bridge; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Board of Supervisors does hereby express support for replacing the current Tapps Ford Road Bridge (Route 645) with a single-lane steel truss bridge of modern manufacture, to be used with current abutments and approaches.

**A Resolution Authorizing the County Administrator and the County Attorney to Execute All Documents Necessary to Acquire an 8.2 Acre Parcel of Land Owned by Janet N. Shannon**

## RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE AN 8.2 ACRE PARCEL OF LAND OWNED BY JANET N. SHANNON, BY PURCHASE, UPON THE TERMS AND CONDITIONS SET FORTH IN THIS RESOLUTION

WHEREAS, the Board of Supervisors has determined it is in the County's interest to acquire an 8.2 acre tract of property located adjacent to the Corral Farm Landfill and more particularly identified as PIN 6982-97-5456; and

WHEREAS, Janet N. Shannon has indicated a willingness to consider the sale of the property to the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the County Administrator and County Attorney be, and are hereby, authorized to execute all documents necessary to acquire that certain 8.2 acre tract of land owned by Janet N. Shannon and more particularly described as PIN 6982-97-5456 by purchase, for the sum of \$92,000.

### **A RESOLUTION AMENDING THE 2004 BYLAWS AND RULES OF PROCEDURE FOR THE BOARD OF SUPERVISORS TO CHANGE THE TIME OF WORK SESSIONS AND THE REGULAR MEETING DATE**

Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was 4 to 1 as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i></b> |
| <b><i>Nays:</i></b>               | <b><i>Mr. Chester W. Stribling</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

## RESOLUTION

A RESOLUTION AMENDING THE 2004 BYLAWS AND RULES OF PROCEDURE FOR THE BOARD OF SUPERVISORS TO CHANGE THE TIME OF WORK SESSIONS AND THE REGULAR MEETING DATE

WHEREAS, the Board of Supervisors has determined to consider changing its regular meeting date from the third Monday of each month to the second Thursday of each month; and

WHEREAS, the Board has also determined to consider changing the time of the start of its work sessions from 1:00 p.m. to 11:00 a.m.; and

WHEREAS, making the proposed changes will permit more time for work sessions and will allow Board members and staff an additional work day to coordinate agenda items before the meeting is held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the 2004 Bylaws and Rules of Procedure for the Board of Supervisors be, and are hereby,

amended to change the time of work sessions from 1:00 p.m. to 11:00 a.m. and the regular meeting date from the third Monday of each month to the second Thursday of each month, and to provide that any meeting which falls on a legal holiday will be held on the previous business day.

**A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED BOUNDARY ADJUSTMENT OF APPROXIMATELY 10 ACRES INTO THE CORPORATE LIMITS OF THE TOWN OF THE PLAINS**

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

|                            |  |
|----------------------------|--|
| <i>Ayes:</i>               | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i> |
| <i>Nays:</i>               | <i>None</i>  |
| <i>Absent During Vote:</i> | <i>None</i>  |
| <i>Abstention:</i>         | <i>None</i>  |

**RESOLUTION**

**A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO  
SCHEDULE A PUBLIC HEARING ON A PROPOSED BOUNDARY  
ADJUSTMENT OF APPROXIMATELY 10 ACRES INTO THE CORPORATE  
LIMITS OF THE TOWN OF THE PLAINS**

WHEREAS, N. F. Adams & Sons, LLC, is the owner of a tract of land containing 272.38 acres, more or less, said parcel being more particularly described as PIN 6989-65-0953-000, as shown on the Plat Showing Area of Annexation of N. F. Adams & Sons, LLC, Deed Book 859, Page 554, Scott Magisterial District, by Eric K. Niskanen, L.S., dated January 15, 2004; and

WHEREAS, a 10 acre portion of said property is located outside the boundary of the Town of The Plains, as shown on the aforesaid plat; and

WHEREAS, the Town of The Plains has determined that it is in agreement that said 10 acre portion should be boundary adjusted into the corporate limits of the Town; and

WHEREAS, the Board of Supervisors, by the adoption of this resolution, has determined it to be in the best interest of the citizens of this County to adjust the 10 acre parcel into the corporate limits of the Town of The Plains; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comment on a proposed boundary adjustment of 10 acres of land owned by N.F. Adams & Sons, LLC, into the corporate limits of the Town of The Plains.

**A RESOLUTION DIRECTING THE PARKS AND RECREATION BOARD AND FAUQUIER COUNTY STAFF TO TAKE ALL ACTIONS NECESSARY TO ASSIST IN THE IMPLEMENTATION OF THE FAUQUIER COUNTY FAIR BOARD'S REQUEST TO USE APPROXIMATELY FIVE (5) ACRES OF LAND LOCATED AT THE CENTRAL SPORTS FIELD COMPLEX FOR FAIR PURPOSES**

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 3 to 2 as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey*  
*Nays: Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Absent During Vote: None*  
*Abstention: None*

#### RESOLUTION

**A RESOLUTION DIRECTING THE PARKS AND RECREATION BOARD AND FAUQUIER COUNTY STAFF TO TAKE ALL ACTIONS NECESSARY TO ASSIST IN THE IMPLEMENTATION OF THE FAUQUIER COUNTY FAIR BOARD'S REQUEST TO USE APPROXIMATELY FIVE (5) ACRES OF LAND LOCATED AT THE CENTRAL SPORTS FIELD COMPLEX FOR FAIR PURPOSES**

WHEREAS, the Fauquier County Board of Supervisors has obtained ownership to property adjacent to property owned by the Fauquier County Fair Board, Inc. for the purpose of establishing a youth sports field complex; and

WHEREAS, the Board of Supervisors has traditionally permitted the Fair Board to use approximately five (5) acres of the aforesaid land for purposes of parking and other Fair-related activities; and

WHEREAS, the Board of Supervisors has leased portions of its property, including the aforesaid five (5) acres of land, to the Fauquier Youth Sports Coordination Council, Inc., for the purposes of the development and operation of sports fields; and

WHEREAS, the Fauquier County Fair Board, Inc. has requested that the Fauquier Youth Sports Coordination Council, Inc., and the Board of Supervisors enter into an agreement permitting the Fair Board to continue to use the five (5) acre tract of land; and

WHEREAS, the Board of Supervisors acknowledges the benefits of the continued viability of the Fauquier County Fair and of the establishment of sports fields for youth within the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Fauquier County Board of Supervisors does hereby direct that the Fauquier County Parks and Recreation Board and Staff, including that of the Fauquier County Parks and Recreation Department, work with the Fauquier County Fair Board, Inc., and the Fauquier Youth Sports Coordination Council, Inc., to determine an acceptable agreement that would permit the Fauquier County Fair Board to continue to use the five (5) acres of land for Fauquier County Fair purposes.

**A RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE VIRGINIA PUBLIC SCHOOL AUTHORITY FOR A LOAN IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$4,000,000**

Mr. Stribling moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

At a regular meeting of the Board of Supervisors of Fauquier County, Virginia, held on the 16th day of August 2004, at the time and place established by such Board for its regular meetings in accordance with Section 15.2-1416 of the Code of Virginia of 1950, as amended, at which the following members were present and absent during the voting for the resolution referred to below:

PRESENT: Harry F. Atherton  
William G. Downey  
Raymond E. Graham  
Richard W. Robison  
Chester W. Stribling

ABSENT: None

the following resolution was adopted by the affirmative roll call vote of a majority of all members of the Board of Supervisors, the ayes and nays being recorded in the minutes of the meeting as shown below:

MEMBER

VOTE

|                      |     |
|----------------------|-----|
| Harry F. Atherton    | aye |
| William G. Downey    | aye |
| Raymond E. Graham    | aye |
| Richard W. Robison   | aye |
| Chester W. Stribling | aye |

A RESOLUTION APPROVING THE FILING OF AN APPLICATION  
WITH THE VIRGINIA PUBLIC SCHOOL AUTHORITY FOR A LOAN  
IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$4,000,000

WHEREAS, the Board of Supervisors (the "Board") of Fauquier County, Virginia (the "County"), in collaboration with the Fauquier County School Board, has determined that it is necessary and desirable for the County to finance certain school capital improvements, including without limitation Liberty High School facility improvements (the "Project"); now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Board hereby approves the filing of an application with the Virginia Public School Authority for a loan to the County in an approximate principal amount of \$4,000,000 to finance the Project; and be it

RESOLVED FURTHER, That the County Administrator, in collaboration with the other officers of the County and the Fauquier County School Board, is hereby authorized and directed to complete an application and deliver it to the Virginia Public School Authority.

The undersigned Clerk of the Board of Supervisors of Fauquier County, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held on the 16th day of August 2004, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of Fauquier County, Virginia, this 16th day of August 2004.

---

G. Robert Lee  
Clerk of the Board of Supervisors  
Fauquier County, Virginia

**A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY FOR A SURETY BOND**

Mr. Atherton moved to table a proposed resolution authorizing the Chairman of the Board of Supervisors to execute a Memorandum of Understanding with the Vint Hill Economic Development Authority for a Surety Bond until the next regular Board meeting. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes:*** ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays:*** ***None***  
***Absent During Vote:*** ***None***  
***Abstention:*** ***None***

**A RESOLUTION FOR LOCAL SUPPORT OF THE UTILIZATION OF INDUSTRIAL ACCESS RAILROAD TRACK FUNDS**

Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

***Ayes:*** ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays:*** ***None***  
***Absent During Vote:*** ***None***  
***Abstention:*** ***None***

RESOLUTION

A RESOLUTION FOR LOCAL SUPPORT OF THE UTILIZATION OF INDUSTRIAL  
ACCESS RAILROAD TRACK FUNDS

WHEREAS, RGR Reload, Inc., trading as Whiting Road, LLC, has expressed its intent to the Fauquier County Board of Supervisors to locate its industrial operation in the Marshall District of Fauquier County; and

WHEREAS, Whiting Road, LLC, and its operation, will require rail access and has reported to the Board of Supervisors its intent to apply for Industrial Access Railroad Track funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$375,000; and

WHEREAS, Whiting Road, LLC, has requested that the Fauquier County Board of Supervisors provide a resolution supporting its application for said funds, which are administered by the Virginia Department of Rail and Public Transportation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the Board of Supervisors does hereby support the application of Whiting Road, LLC, for \$375,000 in Industrial Access Railroad Track funds; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors has no intention of providing any funding assistance from the County of Fauquier toward the application by Whiting Road, LLC, for funding from the Railroad Industrial Access Program; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors makes known its desire to recommend that the Commonwealth Transportation Board provide the requested financial assistance to RGR Reload, Inc., trading as Whiting Road, LLC, for the purpose of locating its business in the Marshall Magisterial District, Fauquier County, Virginia.

### **APPOINTMENTS**

By unanimous consent, the following appointments were approved:

- Local Workforce Investment Board – Business Representative: Ernest M. “Morey” Oare, Jr., with a term to expire June 30, 2005.
- Board of Assessors – Cedar Run District: Lurty Houff, with a term to expire December 31, 2005.

### **SUPERVISORS' TIME**

- Mr. Graham reminded citizens to drive carefully as schools will be opening soon.
- Mr. Downey advised that the Facilities Planning and Implementation Committee anticipated receiving a request for additional fees related redesigning of plans for Courthouse building renovations.

### **ANNOUNCEMENTS**

- Mr. Lee announced that, on August 24, 2004, the Board of Supervisors will meet with the Warrenton Town Council at Lord Fairfax Community College in Warrenton, Virginia, to discuss effective Town/County working relationships.

- Mr. Lee advised that Board members have been invited to attend the Fauquier County School Board convocations on August 25, 2004 in Warrenton, Virginia.
- Mr. Lee announced that Board members have been invited to attend a Virginia Association of Counties event hosted Spotsylvania County on August 31, 2004.
- Mr. Lee announced that the next regular Board of Supervisors meeting will be held on Thursday, September 9, 2004, at the Warren Green Building in Warrenton, Virginia.

**A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$5,015,369 AND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$668,258**

A public hearing was held to consider an amendment to the FY 2004 Adopted Budget in the amount of \$5,015,369 and the FY 2005 Adopted Budget in the amount of \$668,258. Bryan Tippie, Budget Director, summarized the proposed budget amendments. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

RESOLUTION

A RESOLUTION TO AMEND THE  
FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$5,015,369 AND THE FY 2005  
ADOPTED BUDGET IN THE AMOUNT OF \$668,258

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget and on March 29, 2004, adopted the Fauquier County FY 2005 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Chairman of the Finance Committee at the July meeting recommended FY 2004 budget adjustments of \$5,015,369 and FY 2005 budget adjustments of \$668,258 for the purposes set forth below; and

WHEREAS, on August 16, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of August 2004, That the FY 2004 Budget be, and is hereby, amended in the amount of \$5,015,369 and that the FY 2005 Budget be, and is hereby, amended in the amount of \$668,258 as follows:

| Source                           | FROM<br>Code  | Amount                               | Department                                 | TO<br>Code   | Amount  |
|----------------------------------|---|--------------------------------------|--|--|---|
| <b>FY 2004</b>                   |   |                                      |  |  |   |
| State Funds                      | 3-220-192000-0003   | \$2,576                              | Joint                                      | 4-220-31410-3160   | \$2,576   |
| Street Sign                      | 3-200-231000-0001   | \$19,475                             | Communications                             | 4-220-31410-1101   | \$19,475  |
| Fire and Rescue                  | 4-270-032250-3160   | \$908                                | Fire & Emergency<br>Services               | 4-271-032420-1201  | \$908   |
| Fire and Rescue                  | 4-270-032250-3160   | \$465                                | Fire & Emergency<br>Services               | 4-271-032420-1201  | \$465   |
| Fund Balance                     | 3-100-419000-0010   | \$2,954,940                          | Capital                                    | 4-302-66610-8711<br>4-302-091400-0100  | \$2,375,084<br>\$579,856                                  |
| Capital Funds                    | 4-302-94200-6102  | \$169,200                            | Parks & Recreation                         | 4-100-043415-3160<br>4-100-043415-3310<br>4-100-043415-6007<br>4-100-043415-8201   | \$5,000<br>\$5,000<br>\$50,000<br>\$109,200               |
| Excess Fees                      | 3-100-160100-0002   | \$3,425                              | Clerk of Circuit<br>Court                  | 4-100-021600-1302  | \$3,425   |
| Health Insurance<br>Reserve      | 4-100-91400-9608  | \$153,000                            | Finance                                    | 4-100-093100-9607  | \$153,000   |
| Donations                        | 3-230-189300-0040<br>3-230-015100-0001                      | \$29,100<br>\$900                    | Parks & Recreation<br>Trust                | 4-230-071100-3160<br>4-230-071100-3500<br>4-230-071100-5220<br>4-230-071100-6003<br>4-230-071100-6047<br>4-230-071100-9040 | \$7,700<br>\$14,050<br>\$70<br>\$80<br>\$5,900<br>\$2,200 |
| Capital Fund\and<br>General Fund | 4-302-80100-8215<br>4-100-91600-5110                        | \$15,000<br>\$2,000                  | School Division                            | 4-205-62120-6047-<br>900-000   | \$17,000  |
| State Funds                      | 3-100-24400-0010  | \$13,600                             | Armory                                     | 4-100-043450-3160  | \$1,540   |
| Rental Funds                     | 3-100-152200-0001   | \$5,800                              |  | 4-100-043450-3310<br>4-100-043450-5110<br>4-100-043450-5120<br>4-100-043450-5130<br>4-100-043450-5230                      | \$7,096<br>\$3,319<br>\$7,173<br>\$126<br>\$146           |
| Capital Fund<br>(Transfer)       | 4-302-94710-8215<br>4-302-94130-9999<br>4-302-42400-8307    | \$1,400,000<br>\$186,400<br>\$58,580 | Capital Fund –<br>Construction<br>Reserve  | 4-302-091400-0100  | \$1,644,980   |
| <b>FY 2005</b>                   |   |                                      |  |  |   |
| Fund Balance –<br>Carryover      | 3-100-419000-0010   | \$150,000                            | Community<br>Development (Wade<br>Court)   | 4-100-081200-3160  | \$150,000   |
| Utility Fund                     | 4-310-091500-3140<br>4-310-091500-9840<br>4-310-099999-9999 | \$117,783                            | Capital<br>Improvements<br>(Botha Project) | 4-302-91500-3130<br>4-302-91503-9830   | \$40,440<br>\$77,343                                      |
| Fund Balance                     | 3-100-419000-0010   | \$250,000                            | Utility Fund (Fiber<br>Optic Project)      | 4-100-012511-8203  | \$250,000   |
| Fund Balance –<br>Carryover      | 3-100-419000-0010   | \$42,475                             | Clerk of the Circuit<br>Court              | 4-100-021610-3160  | \$42,475  |
| Capital Fund                     | 4-302-66600-8704  | \$8,500                              | School Division                            | 4-205-64200-8201-<br>900-000   | \$8,500   |
| Capital Fund<br>(Transfer)       | 4-302-66600-8704  | \$49,500                             | School Division                            | 4-302-66610-8708   | \$49,500  |

|                                |                   |             |                    |                   |             |
|--------------------------------|-------------------|-------------|--------------------|-------------------|-------------|
| Contingency Reserve (Transfer) | 4-100-091400-9999 | \$50,000    | Institutional Care | 4-100-052600-5650 | \$50,000    |
| TOTAL                          |                   | \$5,683,627 |                    |                   | \$5,683,627 |

**AN ORDINANCE TO AMEND SECTION 5-2002 OF THE ZONING ORDINANCE TO ALLOW A NEW PRIVATE INDIVIDUAL SEWAGE TREATMENT SYSTEM FOR FARM SUPPLY ESTABLISHMENTS**

; and

**A RESOLUTION TO APPROVE SPEX04-CR-021, A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW FOR THE OPERATION OF A WASTEWATER TREATMENT FACILITY**

A public hearing was held to consider a proposed text amendment to Section 5-2002 of the Fauquier County Zoning Ordinance in order to allow a new private individual sewage treatment system to discharge into an open ditch or water, and also to consider an application to obtain Special Exception approval under Category 20, which would allow for the operation of a wastewater treatment facility. The property is located at the intersection of Marsh Road (Route 17) and Harpers Run Road (Route 836) near Lois, Cedar Run District. Rick Carr, Director of Community Development, summarized the proposed text amendment and the application for special exception. Bob Counts, of Carson & Harris Engineers, spoke in favor of the text amendment and the special exception. Jake Beard, applicant, requested favorable consideration of the text amendment and special exception. Kitty Smith, Marshall District, expressed concern about the possibility of chemical runoff. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays: None***  
***Absent During Vote: None***  
***Abstention: None***

**ORDINANCE**

**AN ORDINANCE TO AMEND SECTION 5-2002 OF THE ZONING ORDINANCE TO ALLOW A NEW PRIVATE INDIVIDUAL SEWAGE TREATMENT SYSTEM FOR FARM SUPPLY ESTABLISHMENTS**

WHEREAS, Section 15-300 of the Fauquier County Zoning Ordinance defines a “Sewage Treatment Facility” to include any system that discharges into an open ditch or water; and

WHEREAS, Section 5-2002.5 of the Fauquier County Zoning Ordinance limits the use of any sewage system that discharges into an open ditch or water to the replacement of failing systems; and

WHEREAS, the proposed text amendment would also allow a sewage system that discharges into an open ditch or water for farm supply establishments, subject to certain other limitations; and

WHEREAS, such flexibility is necessary to support agricultural uses; and

WHEREAS, on June 24, 2004 and July 29, 2004, the Planning Commission held a public hearing on the proposed text amendment; and

WHEREAS, on July 29, 2004, the Planning Commission voted to recommend adoption of the proposed amendment; and

WHEREAS, on August 16, 2004, the Fauquier County Board of Supervisors held a public hearing on the proposed amendment; and

WHEREAS, the adoption of this text amendment would be in keeping with the spirit of the Zoning Ordinance and in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That Section 5-2002 of the Fauquier County Zoning Ordinance be, and is hereby, amended to include the following:

6. Notwithstanding Section 5-2002.5 above, a private individual sewage treatment system which discharges into an open ditch or water may be approved in the RA/Rural Agriculture zoning district for a farm supply establishment where the standards listed below are met:

- 1) The system is operated under the control of a Class III, or higher, wastewater operator which holds a current permit licensed in the State of Virginia.
- 2) The system processes less than 1,000 gallons per day.
- 3) The Board finds such system to be the only viable option for the particular site;
- 4) In approving such a system, the Board may establish conditions including but not limited to use, maintenance, testing and reporting.
- 5) The system has a permanent maintenance and monitoring agreement from a State licensed laboratory, company, or business to do maintenance and monitoring in the State and County.

Mr. Graham then moved to adopt the following resolution. Mr. Robison seconded. Mr. Downey moved to amend the Special Exception conditions. The motion to amend was seconded, and the vote for the amended motion was unanimous as follows:

|                            |   |
|----------------------------|---|
| <b>Ayes:</b>               | <b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b> |
| <b>Nays:</b>               | <b><i>None</i></b>  |
| <b>Absent During Vote:</b> | <b><i>None</i></b>  |
| <b>Abstention:</b>         | <b><i>None</i></b>  |

## RESOLUTION

A RESOLUTION TO APPROVE SPEX04-CR-021: A CATEGORY 20 SPECIAL  
EXCEPTION TO ALLOW FOR THE OPERATION OF A WASTEWATER TREATMENT  
FACILITY

WHEREAS, the owner of the property identified by PIN 7807-54-6024-000 has requested a Category 20 Special Exception to allow for the operation of a wastewater treatment facility to serve the Culpeper Farmer's Cooperative, Inc.; and

WHEREAS, the requested Special Exception will allow the applicant to operate a permitted wastewater treatment facility on the property; and

WHEREAS, at its meeting on July 29, 2004, the Planning Commission voted unanimously to forward Special Exception SPEX04-CR-021 to the Board of Supervisors with a recommendation of conditioned approval; and

WHEREAS, on August 16, 2004, the Fauquier Board of Supervisors held a public hearing and considered public testimony; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That Special Exception SPEX04-CR-021, Culpeper Farmer's Cooperative, Inc., applicant, and David R. Chapman, owner, be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Evidence of a permanent maintenance and monitoring agreement from a state licensed laboratory, company or business and a report on the status of the permitted system shall be submitted annually to the Health Department and to the Zoning Department to ensure compliance with this Special Exception.
4. The approved wastewater treatment facility on the property shall be in general conformance with the Special Exception Plat entitled "Culpeper Farmers Co-Op" dated June 11, 2004, and Figure 2 "Typical Individual Wastewater System with Discharge Line, Actual Design to be Determined in Consultation with DEQ" received in the Planning Office on June 14, 2004.
5. The Applicant shall provide the County with the following documentation during the Site Plan submittal:
  - a. Department of Environmental Quality (DEQ) permit approval for a General Discharge Permit for the proposed discharge;
  - b. Virginia Department of Transportation (VDOT) CE-7 permit for crossing VDOT right-of-way (Harper's Run Road);
  - c. Recorded easement document showing permission for the discharge pipe to cross the adjacent parcel; and

- d. Required Health Department approvals for an engineered design of a wastewater treatment facility not exceeding a discharge capacity of 1,000 gallons per day.
6. The number of gallons of treated wastewater discharged shall be less than 1,000 gallons, per the DEQ regulations and the Fauquier County Zoning Ordinance.
7. The applicant shall contract with a licensed wastewater treatment plant operator (Class III or higher) to operate and maintain the approved facility.
8. The applicant shall provide a Site Plan, pursuant to Article 12 of the Zoning Ordinance.

**SPECIAL EXCEPTION AMENDMENT #SPEX03-MA-016 – DOUGLAS E. & SHARON Y. DARLING, OWNERS AND APPLICANTS – CANNON RIDGE**

This item was withdrawn at the request of the applicants.

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX04-MA-020, A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW CONSTRUCTION OF AN ABOVE GROUND WATER STORAGE SILO**

A public hearing was continued from July 19, 2004, to consider an application to obtain Special Exception approval under Category 20, which would allow for the construction of an above ground water storage silo. The property, which is in the Marshall Service District, is located off Main Street in Marshall Virginia; across from the Marshall Rescue Squad and east of Lunceford Lane, Marshall District. Rick Carr, Director of Community Development, summarized the special exception application. Barney Durrett, General Manager of the Fauquier Water and Sanitation Authority, spoke in favor of the application. Kitty Smith, Marshall District, stated she had no objection to the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX04-MA-020, A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW CONSTRUCTION OF AN ABOVE GROUND WATER STORAGE SILO**

WHEREAS, the Fauquier County Water and Sanitation Authority (WSA), applicant, has requested a Category 20 Special Exception to allow for the construction of an above ground water storage silo on the parcel identified by PIN 6969-47-7043-000; and

WHEREAS, the requested Special Exception would allow the applicant to construct a water storage silo on the proposed site within the southwest portion of the Cannon Ridge subdivision open space area; and

WHEREAS, on April 29, 2004, the Planning Commission voted unanimously to recommend denial of the Special Exception SPEX04-MA-020 to the Board of Supervisors for the following reasons:

1. The proposal for the Special Exception is not consistent with the Fauquier County Comprehensive Plan.
2. The proposal fails to satisfy the general and specific standards for the proposed use established by the Fauquier County Zoning Ordinance.
3. The proposal can not move forward as the proposed site is within the dedicated open space of the Cannon Ridge subdivision, which has already been reduced by an approved Special Exception SPEX03-MA-016. Open space credit cannot be afforded to lands which include the proposed public facility unless a Special Exception amendment, for further reduction of open space, is approved.
4. The proposal failed to demonstrate that there were no other alternatives available, nor did it show that any other options were pursued and then eliminated due to cost, location, or other reason.

; and

WHEREAS, on June 21, 2004 and July 19, 2004, the Fauquier County Board of Supervisors held a public hearing and considered the Special Exception application; and

WHEREAS, on August 16, 2004, the Fauquier County Board of Supervisors continued that public hearing and did not concur with the judgment of the Planning Commission because a new tank location has been found on the property that does not require the reduction of open space; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That the proposed above ground water storage silo is in conformance with the Fauquier County Comprehensive Plan pursuant to Section 15.2-2232 of the code of Virginia; and be it

RESOLVED FURTHER, that Special Exception SPEX04-MA-020, the Fauquier County Water and Sanitation Authority, applicant, be, and is hereby approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat received and as qualified by these development conditions.

3. A Minor Site Plan shall be required, pursuant to Article 12 of the Fauquier County Zoning Ordinance.
4. The development of the property shall be in general conformance with the Special Exception Plat entitled "Special Exception Cannon Ridge" March 2004, revised through August 13, 2004 and received in the Planning Office on August 16, 2004 unless final engineering dictates minor adjustment as needed as determined by the Director of Community Development.
5. The applicant shall provide an access and utility easement to the tank and parking area to allow for access by Fauquier County Water and Sanitation Authority (WSA) or other governmental agencies, and for routing the necessary water line(s) and utilities from the tank site. This easement shall also be available for pedestrian access with exclusion of the tower compound.
6. The maximum elevation of the water storage tank shall be 798 feet above sea level.
7. The water storage facility shall be a silo style structure.
8. Site lighting as required by VDH, FAA and OSHA or other regulatory agencies.
9. The existing tree buffer adjacent to the parcel shall not be disturbed, except that dead or diseased vegetation may be removed and replaced.
10. No tree clearing shall be permitted except as necessary for actual construction of the tank and access road.
11. This Special Exception approval is contingent upon WSA ownership of the Marshall Waterworks franchise.

**A RESOLUTION TO APPROVE SPEX04-CR-023, A CATEGORY 9 SPECIAL EXCEPTION TO ALLOW FOR THE RENEWAL OF A PREVIOUSLY APPROVED REQUEST TO HOLD CLASS C EVENTS AND APPROVAL FOR CLASS B EVENTS**

A public hearing was held to consider an application to obtain Special Exception approval under Category 9, which would allow for the renewal of a previously approved request to hold Class C events and new approval for Class B events. The property, which is in the Midland Service District, is located on the southeast side of Catlett Road (Route 28), Cedar Run District. Rick Carr, Director of Community Development, summarized the application for special exception. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

## RESOLUTION

### A RESOLUTION TO APPROVE SPEX04-CR-023: A CATEGORY 9 SPECIAL EXCEPTION TO ALLOW FOR THE RENEWAL OF A PREVIOUSLY APPROVED REQUEST TO HOLD CLASS C EVENTS AND APPROVAL FOR CLASS B EVENTS

WHEREAS, the owner of the property identified by PIN 7900-64-8311-000 has requested a Category 9 Special Exception to allow for the renewal of a previously approved Special Exception to hold Class C events and new approval for limited Class B events to allow for encampments; and

WHEREAS, the requested Special Exception will allow the applicant to continue to operate its special events on the property; and

WHEREAS, on July 29, 2004, the Planning Commission voted unanimously to forward Special Exception SPEX04-CR-023 to the Board of Supervisors with a recommendation of conditioned approval; and,

WHEREAS, on August 16, 2004, the Fauquier County Board of Supervisors held a public hearing and considered public testimony; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 16<sup>th</sup> day of August 2004, That Special Exception SPEX04-CR-023, JAPAL, LLC, applicant, and Al-Mara Farms, Inc., owner, be, and is hereby, approved, subject to the following conditions:

#### Class C Events Renewal:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
2. This Special Exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any site plan submitted pursuant to this Special Exception shall be in conformance with the Special Exception Plat received May 14, 2004, and these conditions.
3. This Special Exception shall be granted for a period of five (5) years from the date of Board of Supervisors approval and shall also have the option of an additional three (3) annual renewals by the Zoning Administrator. After that time, the Special Exception must be renewed by the Board of Supervisors in accordance with the provisions of the Zoning Ordinance.
4. No use associated with this Special Exception shall be permitted on the portion of the property that is zoned Residential (R-1).
5. There shall be no access associated with this use from Route 28. The proposed entrance site from Route 649 shall be maintained to include a paved apron.

6. A combination of vegetative screening and construction-type fencing shall be provided for the exhibit area along the Route 28 frontage. Within the corn maze area, netting shall be provided along the Route 28 frontage to prohibit movement into and out of the corn maze from Route 28.
7. No events or activities shall occur before 9:00 a.m. and all events must conclude no later than 10:00 p.m. Sunday events shall not be scheduled prior to 12:30 p.m. so as not to interfere with local church services.
8. There shall be no more than 1,000 attendees on site at any one time, and no event shall last more than three (3) consecutive days.
9. No structure associated with the use shall be closer than 100 feet to any adjacent lot line.
10. All parking must be provided on site, and shall be no closer than 100 feet from any adjacent property.
11. The applicant shall provide adequate security, emergency, traffic control, sanitation and refreshment services. At least thirty (30) days prior to major events, the applicant shall provide written proof to the Zoning Administrator that the following agencies have been consulted and that necessary approvals/permits have been obtained: Fauquier County Sheriff's Office, Virginia Department of Transportation, Fauquier County Emergency Services and the Fauquier County Health Department.
12. Any retail use associated with this use shall be either accessory to the use or conducted for the benefit of a non-profit, tax-exempt organization. At least thirty (30) days prior to the event, applicant shall provide to the Zoning Administrator the name, address and contact person for each entity conducting retail sales at the event.
13. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.
14. Restroom facilities shall be provided in accordance with Health Department regulations.
15. At no time shall fireworks, hot-air balloons or helicopters be used for any Class C events.
16. The applicant shall require its employees and all invitees to strictly comply with State burning laws and copies of such laws shall be posted on site.
17. During events with outdoor music or amplified sound, the maximum permitted sound noise levels shall not exceed sixty (60) db at the property line.
18. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and be positioned downward, inward and shielded to eliminate glare to all adjacent properties.
19. Fire extinguishers meeting State and Federal standards shall be provided at all events.
20. The applicant may be required to provide a Site Plan, pursuant to Article 12 of the Zoning Ordinance.

Class B Events include the conditions above and the following:

1. The applicants shall have no more than twelve (12) encampment events per calendar year, each with a maximum of 150 attendees. Should the applicants request additional events or attendees, Special Permit approval is required.
2. The Special Exception will not supersede, nullify or replace SPEX04-CR-023 for Class C events. This is a separate Special Exception with its use limited to encampments. Its total cumulative number of attendees (150 per event) represents a stand-alone total for each event and is not intended to be included in the cumulative number of attendees per event, for the approved Special Exception, SPEX04-CR-023.
3. This Special Exception shall be granted for a period of five (5) years from the date of Board of Supervisors approval and shall also have the option of an additional three (3) annual renewals by the Zoning Administrator. After that time, the Special Exception must be renewed by the Board of Supervisors in accordance with the provisions of the Zoning Ordinance.
4. The applicant may be required to provide a Site Plan, pursuant to Article 12 of the Zoning Ordinance.

With no further business, the meeting was adjourned at 8:10 p.m.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on August 16, 2004.*

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*G. Robert Lee*  
*Clerk to the Board of Supervisors*